

ORIGINAL

D & F  
C/M

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA,

Plaintiff,  
-against-

BAZLUR RAHMAN, et al.,

Defendants.

-----x  
**MEMORANDUM AND ORDER**  
No. 06-CV-2220 (FB) (SG)

*Appearances:*

*For the Plaintiff:*

WILLIAM B. YOUNG, ESQ.  
United States Attorneys Office  
Eastern District of New York  
Civil Division, 14th Floor  
Brooklyn, NY 11201

**BLOCK, Senior District Judge:**

On March 1, 2007, Magistrate Judge Gold issued a Report and Recommendation ("R&R") recommending that the above-captioned action be dismissed because the government has failed to take any action in the case, despite being directed by Judge Gold to do so. *See* Docket Entry # 6 (R&R). The R&R recited that "[a]ny objections to the recommendations made in this report must be filed with the Clerk of the Court, with copies provided to the Honorable Frederic Block, within ten days of receipt, and in any event no later than March 15, 2007," and that "[f]ailure to file timely objections may waive the right to appeal the District Court's order." *Id.* To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758,

766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of the Magistrate Gold's R&R, the Court adopts it without *de novo* review. The Clerk is directed to enter judgment in accordance with the R&R.

**SO ORDERED.**

 /signed/  
  
Frederic Block  
FREDERIC BLOCK /  
Senior United States District Judge

Brooklyn, New York  
March 20, 2007